



## **Drawing the Line**

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*Published in:*  
Discursive Framings of Human Rights

*Publication date:*  
2016

*Citation for published version (APA):*  
Holm, I. W. (2016). Drawing the Line: Zombies and Citizens in Heinrich von Kleist's 'The Earthquake in Chile'. In K-M. Simonsen, & J. R. Kjærgaard (Eds.), *Discursive Framings of Human Rights: Negotiating Agency and Victimhood* (pp. 169-181). [10] Routledge.

## Drawing the line

### Zombies and citizens in Heinrich von Kleist's 'The Earthquake in Chile'

Isak Winkel Holm

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'Behavioural note – an infected male exposed himself to sunlight today. Now it's possible decreased function or growing scarcity of food is causing them to . . . ignore their basic survival instincts. Social de-evolution appears complete. Typical human behaviour is now entirely absent'. In Francis Lawrence's 2007 movie *I Am Legend*, Robert Neville, played by Will Smith, passes judgement on a so-called 'Darkseeker' whom he observed earlier the same day. Darkseekers are speechless mutants, vulnerable to daylight, an athletic variety of zombie created by a cancer cure gone awry. Three years after its introduction, a genetically re-engineered measles virus has wiped out 90 per cent of the human race, and turned the rest into Darkseekers. The virologist Neville seems to be the last uninfected human being on earth, an updated, biopolitical omega man surviving in a deserted New York City where grass has begun to sprout in the streets.

Neville's behavioural note draws a line between humans and non-humans, between members and non-members of the community of the 'human race'. Since social de-evolution now appears complete, and typical human behaviour is now entirely absent, the humans infected by the fatal measles virus may no longer be judged human. Based on this judgement, Neville hunts down the Darkseekers, in order to use them as test animals in his basement laboratory, before killing them with impunity.

While Neville is recording his behavioural note, he is sitting in his basement laboratory dressed in the white coat of a scientist, so at first glance his judgement about the Darkseekers' legal status appears to be based on their objective features. However, a closer look reveals that there is something weirdly unscientific about it. It is, to say the least, surprising that Neville uses 'basic survival instincts', a feature common to all living beings, as the sole criterion for 'typical human behaviour'. It is also disturbing that he seems to pass judgement even before pointing out the Darkseekers' non-human lack of survival instincts. The first words of Neville's behavioural note – 'an infected male', as opposed to 'an infected man' – implies his perception of the Darkseeker as a different species rather than as a fellow human being. Neville's use of language, rather than objective science alone, excludes the Darkseeker from the human race.



According to Neville, the Darkseekers do not count as rights-bearers: to use Hannah Arendt's famous description of the political refugees in the years preceding World War II, they experience 'the calamity of the rightless' (Arendt 295). By highlighting the interpretation process that draws a line between rights-bearers and rightless, between members and non-members of the political community, *I Am Legend* shifts the focus of justice from the *application* of the laws to a given community, to the *constitution* of the community to which the laws are applied. In political philosopher Nancy Fraser's terminology, built on Arendt's chapter on the political refugees, the question of drawing the line between humans and non-humans is not a 'what' question, but a 'who' question of justice:

At issue here is the scope of justice, the frame within which it applies: who counts as a subject of justice in a given matter? Whose interests and needs deserve consideration? Who belongs to the circle of those entitled to equal concern?

(Fraser 123)

In the contemporary avalanche of zombie movies, to which Lawrence's movie is related through their common descent from Richard Matheson's classical vampire novel *I Am Legend*, of 1954, this 'who' question of justice is routinely answered by the traditional headshot with which you put down zombies.

The shift in focus from the application of legal norms to the constitution of a political community is a recurrent feature in disaster fiction, not just in zombie movies and related movies, such as Lawrence's *I Am Legend*. In this chapter, I leave the zombies behind, and explore the 'who' question of justice in Heinrich von Kleist's short story 'The Earthquake in Chile', of 1806, one of the foundational texts of modern disaster fiction that emerged from the rubble of the Lisbon earthquake, in 1755.

First, I explore what may be called the *thematics* of judging someone human or non-human. My intent is to show that Kleist's earthquake story – like Lawrence's disaster movie, and like a large number of zombie movies – depicts an act of judgement that distinguishes between the inside and outside of a political community, between citizens and zombies.

Second, I focus on the *stylistics* of judging someone human or non-human. Here, I argue that the distinction between members and non-members of the political community seems to be connected to a certain rhetorical style, which I suggest be called 'prophetic' speech. In Kleist's short story, the language that draws the line between rights-bearers and rightless echoes the language of the Old Testament prophets, and this stylistic intertextuality is important to understanding the question of justice in the story.

Third, and last, I discuss the *aesthetics* of judging someone human or non-human. By this, I mean the relationship between the reader's aesthetic experience of Kleist's story, and the political act of judgement represented in

the story: in other words, the relationship between the 'how' question of literary form, and the 'who' question of justice.

### Here are those godless humans!

In Kleist's short story, the earthquake that hit Santiago de Chile in 1647 does not just interrupt the normal run of things; it also interrupts the normal run of things legal. Josefa, the daughter of a prosperous family, and Jeronimo, her Spanish tutor, have fallen in love, against the wishes of Josefa's father, and conceived a child in the garden of the convent. In seventeenth-century Chile, this is a crime, so the two young lovers are subjected to a strict penalty according to the law. However, the very moment Josefa is on her way to the scaffold to be beheaded, and Jeronimo is on the verge of hanging himself from a pillar in his prison cell, the earthquake strikes, and wipes out the Chilean government and legal system. The viceroy's palace collapses, the archbishop's mangled body is found, the courthouse is in flames, and in place of the main character's father's house, 'there was now a seething lake from which reddish vapors were rising' (Kleist, *The Marquise* 56). Josefa and Jeronimo manage to escape from the crumbling city, and in the second part of the story the young family reunite in an idyllic valley outside the city, where they make friends with the family of the nobleman Don Fernando Ormez.

In the third and final part of the story, legal proceedings against Josefa and Jeronimo continue, but this time in a different mode. This modified process takes place in a Dominican cathedral, the only church still standing in the city. The day after the quake, the citizens of Santiago gather in the cathedral where a fanatical canon, a *Chorherr*, interprets the earthquake as a divine punishment, and singles out Josefa and Jeronimo as the godless sinners who have called down the wrath of God.

Suddenly, the *Chorherr's* sermon is interrupted by a loud voice that identifies Josefa and Jeronimo in the crowd. This triggers a release of brutal violence in the cathedral, and after a series of random misunderstandings, the young couple is killed, along with Juan, the infant child of their new friend, Don Fernando.

In most of the older interpretations of the story, the killings in the cathedral are described as an outburst of uncivilized violence, a sudden regression into a primal state of nature. René Girard, in an important essay from 1985, suggests seeing the killings not as naked violence, but as ritual violence. According to Girard's interpretation, the congregation gathered in the cathedral directs its violence against the scapegoated Josefa and Jeronimo, in order to re-establish the social order (Girard). Today, researchers tend to interpret the killings in the cathedral as a primitive version of either a legal process (Kaul 108) or a political process (Howe 68).

I side with the political interpretation of the killings. The violence is neither 'raw' nor 'ritualistic', but rather 'ethnogenetic', to use a concept of Peter



Sloterdijk's: the kind of violence that goes into the constitution of a political community (Sloterdijk). It is important to note that the voice from the crowd identifying Josefa and Jeronimo starts up with an invocation of the citizens of Santiago: 'Keep well away from them, citizens of Santiago, here are those godless humans' (*Weichet fern hinweg, ihr Bürger von St. Jago, hier stehen diese gottlosen Menschen!*) (64, my translation (m.t.)). While describing the young couple as *gottlosen Menschen*, the voice simultaneously urges fellow citizens to keep their distance from them. And indeed, the drawing of a line between members and non-members of the political community takes place as a kind of 'ethnogenetic' choreography in the overcrowded cathedral: 'a wide circle of people backed away in horror' (... *indessen sich ein weiter Kreis des Entsetzens um sie bildete*) (64).

Following the first voice from the frenzied crowd, the cobbler, Master Pedrillo, the leader of the crowd, tries to ascertain Jeronimo's identity: 'Citizens [*ihr Bürger*], which of you knows this young man?' (65). Moments later, Jeronimo's own father identifies his son in a similar way: 'This is Jeronimo Rugera, Citizens [*ihr Bürger*]' (66). In the end, Don Fernando's frightened son, Juan, carried at this moment by Josefa, reaches out to his father, and thus seems to identify him as Jeronimo. Once again, the identification is followed by an invocation to the citizens of Santiago: 'At once a voice yelled: He is the father! and another: He is Jeronimo Rugera! and a third: These are the blasphemers! And: Stone them! Stone them! The whole congregation of Christians in the temple of Jesus!' (*die ganze im Tempel Jesu versammelte Christenheit!*) (65, m.t.).

Whereas the legal process in the courthouse drew a line between guilty and not guilty, the political process in the cathedral draws a line between members and non-members of the political community, between Christians and 'godless humans'. A guilty/non-guilty judgement in the first part of the story is succeeded by a judgement of human/non-human in the third part.

It is important to note that the judgement that creates an empty space between members and monsters is not based on the objective features of the human beings present in the cathedral, nor is it determined by the legal norms of Chilean society. Instead, judging someone human or non-human is supported by a network of rhetorical tropes and figures. The identification of the *gottlosen Menschen* is characterized by tropes, most often by metaphors: Josefa is a 'convent whore', her child is a 'bastard'. Jeronimo uses the same kind of dehumanizing rhetoric when he finally identifies himself, in order to save the falsely identified Don Fernando: 'At this Jeronimo now cried out: Stop! You monsters! If you are looking for Jeronimo Rugera, he is here! Set free that man, who is innocent!' Here, Jeronimo describes the angry crowd as 'monsters' or, literally, 'inhuman' (*Halt! Ihr Unmenschlichen*). In the last pages of the story, this dehumanizing metaphors is picked up by the narrator, who describes the crowd as 'bloodthirsty tigers' and 'Satanic rabble' (66, 67).

The invocation of political community is fuelled not by rhetorical tropes, but by rhetorical figures, in this case by apostrophe. The original Greek meaning of 'apostrophe' is 'turning away': the speaker turns away from his human

addressee, in order to direct his speech to an inanimate object, a deceased person or an abstract concept. In this case, the voices in the crowd turn away from Josefa and Jeronimo, and address the political community. As Jonathan Culler elegantly writes, 'the apostrophe makes its point by troping not on the meaning of a word but on the circuit or situation of the communication itself' (Culler 135).

In other words, Josefa and Jeronimo's legal standing is determined by a *mode of address*, as well as by a *mode of seeing*. When the voices from the crowd are 'troping' (as Culler writes) on the meaning of words, the result is the exclusion of the young couple as *gottlosen Menschen*; when the voices are 'troping' on the situation of the communication, the outcome is a constitution of the political community of Santiago.

My claim is that Kleist's cathedral scene may be read as an early precursor of the zombie movie, where non-members of the human community are put down with a violent headshot. Kleist's version of 'ethnogenetic' violence hardly contains less gore than Lawrence's and Romero's. The outbreak of violence in the cathedral ends when Master Pedrillo drags the little Juan from Don Fernando's grasp, whirls the infant round in the air above the head and dashes him against the edge of one of the stone pillars of the cathedral. Josefa's, Jeronimo's, and Juan's legal standing is analogous to that of the zombies in George A. Romero's classical zombie movies, and of the Darkseekers in Lawrence's *I Am Legend*: they are politically, although not yet biologically, dead.

In Kleist's short story, as well as in the zombie movie, the judgement drawing the line between humans and non-humans is based on rhetorical tropes and figures. In his basement laboratory, Robert Neville describes the Darkseeker as an 'infected male', even before he notes the lack of 'typical human behaviour'. In the Dominican cathedral, the *Chorherr* and the voices from the crowd refer to similar social imaginary: a network of metaphors and apostrophes supporting the fatal identification of non-members, and invocations to members of the citizenry of Santiago.

### Your hurt is incurable

The shift in focus from the application of the laws to a given community to the constitution of the community to which the laws are applied may be found not only in zombie movies and in Kleist's earthquake story, but also in the prophetic books of the Bible, some of the earliest contributions to Western disaster culture. The Old Testament prophets – Isaiah, Jeremiah, Ezekiel, and Daniel, as well as the so-called lesser prophets – lived in catastrophic times, before the fall of Israel in 722 BC, and Judaea in 586 BC. They were, understandably, obsessed with future disasters, such as Babylonian invasions, plagues, earthquakes, and insect attacks.

One hundred years ago, the sociologist Max Weber, in his work *Ancient Judaism*, described the Jewish prophets as 'world-political demagogues and publicists'



(Weber 275). Since Weber, this interpretation of the prophets, highlighting their political and social roles, has been taken up by a number of scholars, including Abraham Joshua Heschel, André Neher, Martin Buber, and, most recently, the American philosopher Michael Walzer, who, in his book *In God's Shadow*, of 2012, characterizes the prophets as 'the first social critics in the recorded history of the West' (Walzer 86).

According to the political interpretation of the prophets, the important thing about the Old Testament prophets is not that they predicted future disasters, but rather that they interpreted the existing social and political situation. Prophetic speech is diagnostic rather than prognostic: the prophets speak of the two Jewish kingdoms of Israel and Judaea, in light of future disasters. 'The prophet's eye is directed to the contemporary scene', Heschel writes, 'the society and its conduct are the main theme of his speeches' (Heschel 25). Or, in Walzer's words, 'what makes prophecy truly significant is not the oracle, the military forecast, but the moral admonition [...] The prophet is less foreteller than censor' (78). In fact, the Greek word *prophetes* (of *pro* and *phanau*, 'to say, to talk') refers to someone uttering the truth – not necessarily someone speaking of the future.

When the prophets direct their eyes to the contemporary scene, what they see is injustice. They never tire of charging the rich and mighty with not protecting the oppressed, the fatherless, and the widows. According to Jeremiah, to quote but one example of many, the Lord is made furious by the unjust ways of his people: 'Your hurt is incurable, / and your wound is grievous. / There is none to uphold your cause, / no medicine for your wound, / no healing for you' (Jer. 30:12).

According to the prophets, the injustice is a hurt to the very structure of the societies of Israel and Judaea. The prophets do not teach the individual subject how to live an ethical life; neither do they make metaphysical claims about the structure of the universe. Instead, they focus on the Jewish people as a political community, a people tied together by the covenant into which they entered at Mount Sinai when they were still wandering through the desert. In other words, they rely on political and social ideas of justice. The unjust 'you' that God addresses in the quotation from the book of Jeremiah is not an individual person, but Israel and Jacob, that is, the Jewish people as a body politic.

But what kind of injustice do the prophets see at the level of the political community? How are we to understand an incurable hurt to the body politic? At this point, the political interpretation of the prophets runs into a philosophical problem. As Weber notes, the prophets' strong sense of injustice does not make them dream about a reformed version of justice. They rarely refer to the positive laws of the two Jewish kingdoms, and never suggest new laws or changes to old laws. They are radicals and extremists, to be sure, but not revolutionaries or reformists: they do not create political or social movements, they do not make any effort to organize their audience, they do not counsel their kings – basically, they do not ask the generic politic question, 'What ought to be done?' (Walzer 85).

Thus, the philosophical problem is how to understand a strong sense of injustice that has very little to do with the substance of justice. To solve this problem, I suggest distinguishing between the application of the laws to a given community, on the one hand, and, on the other, the constitution of the political community to which the laws are applied. In Nancy Fraser's terminology, the prophets are concerned not with the 'what' question, but with the 'who' question of justice concerning the membership of the Jewish political community defined by the covenant. As Weber writes, the prophets were generally obsessed by the need for die jüdische *Gemeindebildung*, 'the organization of the Jewish congregation' (Weber 360), a need which urged them to emphasize the establishment of 'the decisive ritualistic barriers against the outside, in organizing the internal affairs of the community' (357). In the words of the contemporary Egyptologist Jan Assmann, the prophets perceive law as a tool with which to erect 'a high wall around the chosen people, a cordon sanitaire that prevents any contamination by, or assimilation of, the ideas and customs of the environment' (Assmann 17).

It is due to their 'ethnogenetic' point of view that the prophets disregard the normal, run-of-the-mill discussions of justice in the legal systems of the two Jewish kingdoms. To them, justice is a problem only because the high wall between members and non-members of the political community has begun to crumble. As God says of his people, through Jeremiah, 'They have turned to me their back and not their face' (Jer. 32:33). Having reached the fat and fertile Canaan, the Jewish people have begun forgetting what it means to constitute a political community. They are gradually abandoning the historical moment in the desert when they first entered into their covenant with God. Instead, they worship Baal and the idols of the neighbouring tribes, they sleep with Canaanite temple prostitutes, they sacrifice their children, and they make burnt offerings on the tops of the mountains. Seen from a prophetic point of view, the body politic is a body on the verge of dissolution. In a situation such as this, an unjust act is not a criminal or an immoral act, but an act of apostasy. In Luther's translation of the prophetic books, the word *gottlos*, 'godless', is used as a German equivalent of the Hebrew word *rasha*, meaning unjust, wicked, criminal, and hostile to God. Being *gottlos* is being unjust at the level of the constitution of the political community. It is not so much that the *gottlos* person is a fellow citizen who happens to be in conflict with a specific law, as that he or she is a kind of internal enemy, a human being incompatible with the very principles of law. In other words, *Gottlosigkeit* is 'alegality' rather than illegality. The synonyms and metaphors for *rasha*, much cherished by the prophets, are impudent, hypocritical, stubborn, corrupt, and stone-hearted.

What ought to be done, according to the prophets, is not a political reformation of the positive laws, but rather a 'turning back', a *teshuvah*, a return to the well-known laws of the covenant. When the prophets talk about a new law, the crucial question is not *what* should be written in this new law; it is *where* the law should be written: in the heart of the Jewish people, and not just on stone tablets (Jer. 31:33).



## A flood of priestly eloquence

After Josefa and Jeronimo and their new friends have arrived at the Dominican cathedral, Kleist offers a lengthy summary of the *Chorherr's* sermon:

The service began with a sermon delivered from the pulpit by one of the oldest canons, vested in ceremonial robes. Raising his trembling hands high up to heaven, with the wide folds of his surplice flowing around them, he began at once to give praise and glory and thanks that there should still be, in this part of the world that was crumbling to ruins, men and women able to raise up their faltering voices to God; he described how, at the will of the Almighty, an event had taken place that must scarcely be less terrible than the Last Judgement; and when, nevertheless, pointing to a crack in the wall of the cathedral, he called yesterday's earthquake a mere foretaste of that day of doom, a shudder ran through the whole congregation. From this point his flood of priestly eloquence bore him on to the subject of the city's moral depravity: he castigated it for abominations such as Sodom and Gomorrah had not known, and ascribed it only to God's infinite forbearance that Santiago had not been totally obliterated from the face of the earth.

(63)

This 'flood of priestly eloquence' is a flood of prophetic rhetoric based on some of the recurring tropes and figures of the prophetic books. Disaster is punishment: it does not happen by accident, but at the will of the Almighty, because of the city's moral depravity. And disaster is upcoming: it is not a past traumatic event from which the city should try to recover, but a future calamity that the city must work to prevent by showing moral repentance, and a 'turning back' to the old laws. According to the *Chorherr*, the crack in the wall of the cathedral is an omen, 'a mere foretaste of that day of doom'. Moreover, like the Old Testament prophets, he draws an analogy between his own city, and the cities of Sodom and Gomorrah (e.g. in the book of Ezekiel: 'As I live, says the Lord GOD, your sister Sodom and her daughters have not done as you and your daughters have done' (Ez. 16:48)). And, like the Old Testament prophets in Martin Luther's translation, the canon claims that it is only thanks to God's infinite forbearance that the city has not been totally obliterated, *vertilgt*, from the face of the earth (e.g. in the book of Amos: 'the eyes of the Lord GOD are upon the sinful kingdom, / and I will destroy it [*vertilge*] from the surface of the ground; / except that I will not utterly destroy [*vertilgen*] the house of Jacob' (Am. 9:8)).

To sum up, the *Schauer*, the shudder running through the whole congregation during the sermon, is the affective atmosphere created by prophetic speech. It is important to note that this example of prophetic speech is not just a piece of efficient rhetoric creating a certain affective response in the audience. The rhetoric comes with its own point of view on the question of justice. If we follow

Weber's political interpretation of the prophets, we must see the *Chorherr* as a political demagogue and publicist who uses the disaster-as-punishment trope to propagate his views on social and sexual order.

In his flood of priestly eloquence, the *Chorherr* recycles the word *gottlos* from Luther's translation of the prophetic books: 'He condemned as impious [*gottlos*] the indulgence with which it had been treated by society' (64). Here, the word *gottlos* does not describe Josefa and Jeronimo as individual human beings, as *gottlosen Menchen*, even if the canon goes into great detail when describing the outrage that was perpetrated in the garden of the Carmelite convent. Rather, *gottlos* indicates the 'indulgence' (*die Schonung*) with which the whole city purportedly treated this crime. Injustice, according to the *Chorherr*, is an incurable hurt to the very structure of the society. A *gottlos* city is a city in which the social contract is out of order. In his sermon, the canon denounces the 'moral depravity' of the Chilean society (*das Sittenverderbnis*), literally translated as 'the corruption of the norms'. The covenant has lost its force; it is engraved on crumbling stone tablets, not written in the hearts of the people. Like the Old Testament prophets, the *Chorherr* has shifted the focus from the application of the legal norms to the constitution of the political community.

The focus on the constitution of the political community is not only to be found in the cathedral scene. Before the killings, in the second part of the story, the citizens of Santiago gather in the valley outside Santiago in Rousseau-ian, post-disaster harmony:

And indeed, in the midst of this horrifying time in which all the earthly possessions of men were perishing and all nature was in danger of being engulfed, the human spirit itself seemed to unfold like the fairest of flowers. In the fields, as far as the eye could see, men and women of every social station could be seen lying side by side, princes and beggars, ladies and peasant women, government officials and day labourers, friars and nuns: pitying one another, helping one another, gladly sharing anything they had saved to keep themselves alive, as if the general disaster had united all its survivors into a single family.

(60)

To be sure, this image of 'a paradise built in hell', to use a phrase from contemporary disaster research (Solnit), is the complete opposite of the *Chorherr's* denunciation of 'moral depravation', and of the short story's depiction of the frenzied crowd in the cathedral. The narrator praises 'the human spirit itself' (*der menschliche Geist selbst*), a natural, flower-like precondition for social order. Half a page later, Jeronimo speaks to Josefa about the benign nature of 'the public mood' (*die Stimmung der Gemüter*). In contrast, the canon rages against the 'indulgence' and the 'moral depravity' (*Sittenverderbnis*) of the Chilean society. While the young couple sees the resilience of the human community, the *Chorherr* sees the cracks in the social order.



Regardless of the conflicting valorizations, all the above-mentioned concepts – *menschliche Geist, Stimmung der Gemüter, Sittenverderbnis* – describe the constitution of the political community. The *Menschlichkeit* in the valley collides with the *Unmenschlichkeit* in the cathedral, but both concepts refer to the *Mensch* as a bearer of rights. In other words, the second and the third parts of the story concur, in shifting the focus from the application of legal norms to the constitution of the political community.

As John Ellis was the first to notice more than half a century ago, 'the point of the story lies less in the meaning of the events than in the attempts of the characters involved [...] to make sense of them' (Ellis 14). What I want to add to this discussion is that the point of the story lies in offering two conflicting interpretations of the 'who' question of justice. Three conflicting interpretations, in fact, for the second part of the story juxtaposes two different images of the utopian political community. The human spirit seems to unfold like the fairest of flowers, but the story contains two versions of this unfolding. On the one hand is an interpretation according to which the human spirit expresses itself through acts of nursing, feeding, and bodily care. As we saw, the disaster survivors in the valley are 'pitying one another, helping one another, gladly sharing everything they had saved to keep themselves alive'. According to this interpretation, the pre-legal community is constituted as 'one single family'. Kleist's word for the normative value organizing this community is goodness, *Güte*, and the recipients of the normative orientation are, first of all, the newborn child and the injured victim. In modern terms, one could describe the paradisaical valley outside Santiago as the aid worker's utopia of a well-functioning humanitarian camp. The second part of the story presents a different interpretation according to which the human spirit expresses itself in heroic deeds:

Instead of the usual trivial tea-table gossip about the ways of the world, everyone was now telling stories of extraordinary heroic deeds. Persons hitherto held to be of little consequence in society had shown a Roman greatness [*Römergröße*] of character.

(60)

*Römergröße* is presumably some kind of republican civic virtue that motivates heroic deeds for the common good, a word that recalls the cult of the Roman republic during the French Revolution (Howe 70). In this passage, then, a *Mensch* is not a vulnerable, pre-political body, but a Roman citizen. According to this interpretation, the human community in the valley is based on *Würde*, indeed, a very Kantian notion of dignity that permeates the story.

### Emotional learning?

In *Human Rights in Camera*, of 2011, political theorist Sharon Sliwinski describes the famous 1755 Lisbon earthquake as 'one of the first great mass media events' (Sliwinski 38):

The circulation of eyewitness reports and images produced an intense emotional climate that provided fertile ground for the notion of a singular humanity, a notion that took shape in the minds of distant spectators. Indeed, the 1755 disaster marks one of the first instances in which subjects became world spectators faced with a barrage of representations of distant suffering, 'snapshots' that elicited an imaginative and affective engagement with strangers at a distance.

(45)

According to Sliwinski, these aesthetic representations of distant suffering preceded the formal articulation of the 'Rights of Man'. At later historical moments, images from Belgian Congo and Auschwitz played a similar role, training our ability to recognize distant victims as fellow humans: 'Our membership within the political community we call humanity is granted by others. One must be *judged* human – and thus be endowed with "a legal personality" – in order to enjoy the benefits of the title' (46, original emphasis).

Sliwinski develops an argument presented by historian Lynn Hunt. In *The Invention of Human Rights* (2007), Hunt asserts that Rousseau's *Julie* and Richardson's *Pamela* and *Clarissa* had an indisputable cultural impact, because they prompted a 'new learning of empathy in operation' (Hunt 42). Through the highly charged identification with a fictional character such as Julie, for instance, the eighteenth-century novel 'enabled readers to empathize across class, sex, and national lines' (38). In this sense, the aesthetic experience opens the path to human rights. According to Hunt and Sliwinski, the reading of novels and the viewing of graphic representations function as 'a kind of hothouse of emotional learning' (Hunt 55).

While I find the thesis positing the relationship between the 'how' question of aesthetic experience and the 'who' question of justice convincing and intriguing, I doubt that it applies to a work of literature such as 'The Earthquake in Chile'. To be sure, Kleist's short story is a part of the barrage of representations set in motion by the Lisbon earthquake. In fact, the fictional earthquake in Santiago is strikingly similar to the factual earthquake in Lisbon; in both cases, a major city is destroyed by three elements of nature: trembling earth, rising water, and fire (Bourke). But the proto-zombie story in the Dominican cathedral may hardly be described as a series of 'snapshots' that elicits the reader's imaginative and affective engagement with the *Chorherr*, with Master Pedrillo, or even with the wretched Josefa, Jeronimo, and Juan. What is at stake here is the *aesthetics* of judging someone human or non-human. Kleist's prose, with its violent and jarring style, is anything but a hothouse of emotional learning. The same goes for a number of Kleist's fellow writers struggling with questions of human rights in disastrous situations, from Dostoevsky's Siberian prison camp, to Kafka's penal colony.

The claim I make could be put in this way: in Kleist's earthquake story, the relation between aesthetic experience and human rights is a matter of reflection, rather than education. The story elicits affective disengagement, not affective



engagement. The multitude of fictional characters that judge one another as either human or non-human, either Christian *Bürger* or *gottlosen Menschen*, forces the reader to step back from judging someone human or non-human, and instead to question the presuppositions underlying our capacity to determine the 'who' question of justice. As we have seen, these presuppositions happen to be a network of metaphors and apostrophes fuelling the identification of 'godless humans'. In the aesthetic experience, the act of judgement that draws a line between humans and non-humans becomes reflexive: it stops up, turns back, and makes palpable its own way of judging.

## Conclusion

The morning after the quake, as Josefa and Jeronimo leave the idyllic valley in the company of their new friends, they all start discussing whether it is a good idea to participate in the mass at the Dominican cathedral: 'Someone in Don Fernando's party raised the question of whether they too should not participate in this solemnity and join the general procession' (61). Here, precisely at the junction between the second and the third part of the story, the narrative slows. On one side of the debate is Don Fernando's sister-in-law, Doña Isabel, who fears the future events in the cathedral. The other side is taken by Don Fernando and the other members of the two families, who are all a little euphoric because of the social harmony in the valley. They trust the benign public mood, and have no fears regarding joining 'the general procession'.

This reflective slowing of the plot is due to a vacillation between two opposing interpretations of the political community, a moment of indecisiveness between judging the citizens human and judging them non-human: is the Chilean community, after all, characterized by *Menschlichkeit* or by *Unmenschlichkeit*?

We find a similar slowing down in deleted scenes of *I Am Legend*, now available as extra material on the Two-Disc Special Edition. As we have seen, Neville categorizes the Darkseekers as non-human. 'Social de-evolution appears complete. Typical human behaviour is now entirely absent', he dictates, in his behavioural notes. In accordance with this judgement, he is compelled to deny the possibility that it was the Darkseekers who set a snare trap for him. 'They have no higher brain function, they don't plan', he argues in a deleted scene. In another deleted scene, closer to the end, however, he starts to vacillate: 'Could they be evolving?' Is the community of Darkseekers characterized by *Menschlichkeit* or by *Unmenschlichkeit*?

It is my contention that the two families' baffled lingering in Kleist's story may be read as an image of the readers' aesthetic experience of Kleist's story. The same goes for Neville's hesitation in *I Am Legend*. Like Doña Isabel, Don Fernando, Josefa and Jeronimo, and like Neville in the deleted scenes, the reader cannot help but slow down and linger between two different interpretations of the political community, thereby not learning to perceive someone as human, but instead reflecting on the act of judging someone human or non-human.

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# Discursive Framings of Human Rights

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Negotiating agency and victimhood

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